

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
September 15, 2005

Call to Order

The Mayor and City Council of Fayetteville met in regular session on Thursday, September 15, 2005 at 7:30 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Larry Dell, Walt White, Wilson Price, Glenn Brewer and Al Hovey-King. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

Dell moved to approve the minutes of the Regular Council Meeting of September 1, 2005. Price seconded the motion.

For motion: Dell, Price, White

Abstained: Brewer, Hovey-King

Public Hearings:

Mayor Steele called 2nd Reading on Proposed Ordinance #0-36-05 – Allowing Fayette County to conduct the City of Fayetteville Election on November 8, 2005.

There were no public comments.

White moved to adopt Ordinance #0-36-05 – Allowing Fayette County to conduct the City of Fayetteville Election on November 8, 2005. Dell seconded the motion. The motion carried unanimously.

Mayor Steele stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Steele asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Steele stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Steele requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Steele stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Steele called Public Hearing and 1st Reading on Proposed Ordinance #0-37-05 – Rezoning Request from Scarbrough & Rolader to rezone 6.2 acres; (Pye Lake Estates) property located at the intersection of the northeast corner of lot 57 in Gingercake Landings and the southern right of way of Hood Avenue from R-22 to R-22 PUD.

Councilman Al Hovey-King excused himself from the meeting at this time stating that he lived in the Pye Lake area and for that reason did not want to be involved in the discussion or action on this item.

Eldridge Gunn, City Planner stated the applicant is requesting to rezone approximately 6.2 acres of land located along Hood Avenue from R-22 to R-22 PUD. This will allow for the development of 12 residential lots and will allow the City to address structural problems with the Pye Lake dam and downstream flooding problems. Additionally, as a part of this rezoning and pursuant to the development agreement between the City of Fayetteville and Mrs. Harriett Parham, Pye Lake was donated to the City of Fayetteville. The minimum lot width will be 70 feet and the minimum house

size will be 2,300 sq. ft. with at least 1,200 sq. ft. on the first floor. There are currently some existing structures on site, but they will all be removed. All of the proposed lots will have direct access from either Hood Avenue or Pye Road.

The underlying zoning, R-22, will not change. The added PUD zoning designation simply allows the residential lots to be developed in a way that will preserve and protect Pye Lake. The City has applied for a grant to fund structural improvements to the dam and if successful will start work as soon as possible within the next several months.

Per the development agreement, Pye Lake Drive shall be constructed and paved, pursuant to the City's specifications, and shall intersect Hood Avenue as more particularly described on the Plat. Pye Lake Drive shall be constructed and paved and made to intersect with the gravel road at the southern most point adjacent to lot 13 as shown on the Plat. Parham or Scarbrough & Rolader shall maintain the existing Gravel Road until such time as the Scarbrough & Rolader work is completed and accepted by the City. Scarbrough & Rolader will provide the grading to realign Pye Lake Drive pursuant to the Plat, Scarbrough & Rolader shall construct a stormwater drainage system for Pye Lake Drive pursuant to the City's specifications and Scarbrough & Rolader shall construct a graded aggregate base (6") and curb and gutter as part of the subdivision construction. The City shall not issue any building permits for Lots 8, 9, 10, 11, 12 or 13 as shown on the Plat until such time that Parham or Scarbrough & Rolader, comply with the above.

The City shall provide the asphaltic concrete binder course and the asphaltic concrete top course as part of the Pye Lake dam rehabilitation project to complete the paving.

The property is currently zoned R-22 and the City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for low density single-family development. The zoning districts that correspond with low density single-family development are R-40 and R-70. R-22 zoning corresponds to medium density, but the applicant's proposed R-22 PUD zoning allows him to make adjustments that align the overall development and house sizes with low density single-family development. The applicant's proposed minimum house size (2,300 sf.) corresponds with low density development and not medium density. The properties to the north of the site are in the County. To the west of the subject property is Gingercake landing and zoned PUD; to the south is Pye Lake and a residential property zoned R-22; and the property to the east is zoned R-22 also.

Donna Black, representing Scarbrough & Rolader appeared before council to answer questions anyone might have.

There were no public comments.

Mayor Steele advised this rezoning is posted for 1st reading and will come up for a vote at the October 6, 2005 Meeting.

Councilman Hovey-King returned to the meeting.

Consent Agenda:

Mayor Steele called for approval of Consent Agenda.

1. Declare Items for Surplus

Dell moved to approve Consent Agenda. Price seconded the motion. The motion carried unanimously.

Mayor's Comments:

Mayor Steele advised the God and Country Night held at the Amphitheater Sunday was very successful.

Dell moved to adjourn the meeting. White seconded the motion. The motion carried unanimously.

Respectfully submitted,

Judy Stephens, City Clerk